

Nine 'dancers' arrested in sex show raid

THU JUN 5 1986

By Harry Harris
The Tribune

Oakland police brought down the curtain last night on a Jack London Square sex show, arresting nine "dancers" on suspicion of prostitution and committing lewd acts in public.

Armed with search warrants, officers with the vice squad and Special Operations Section burst into the "Live Action Arena" at Smokey's at 6 p.m.

Their shouts of, "Freeze, police," prompted scantily clad dancers to do just that in the laps of customers.

At the same time police were swarming into Smokey's at 201 Broadway, the San Francisco offices of the parent company, Motion Pictures Inc., also were being raided. Police said they were hunting for the owners and business records.

As of last night none of the owners was in custody.

The raids culminated a monthlong investigation started after a descriptive ad for Smokey's in a local paper caught the eye of police.

Police said the club was the only one of its kind in the East-bay.

Vice Squad Sgt. Mike Martin said last night that undercover officers went into Smokey's

See RAID, Back Page

LOOK-N
Continued from Page A-1

and saw several allegedly illegal acts.

Nude women performed exotic dances and other sexual acts on a stage in an arena, Martin said, and then donned skimpy clothing, such as lace nighties and bathing suits, to mingle with customers.

For "tips" that were usually no more than a few dollars, Martin said, the dancers would sit on the laps of customers and perform "lap dances" by gyrating their pelvic areas.

On one occasion, Martin said, a dancer guided the hand of an undercover officer underneath her clothing.

Martin said a recent state District Court of Appeal decision makes it an act of prostitution when someone is paid for a lewd act such as the "touching of genitals, buttocks or female breasts for the purpose of sexual arousal or gratification."

Last night, undercover officers were in the audience around the arena before the raiding party hit Smokey's. On a pre-arranged signal they took up places to prevent anyone from fleeing out a rear door.

At the time, there were a dozen customers in the arena, several others in the adjacent X-rated movie theater and about 10 more in the lobby of the establishment browsing through pornographic magazines and sex aids.

After identifying themselves the customers were allowed to leave.

Three dancers were arrested in the arena, and six others were detained in a dressing room. They were allowed to dress before being led out of the building to a waiting van for the six-block trip to police headquarters.

Some of the dancers, who declined to give their names, said they had no idea that what they

were doing was illegal.

Two of them said they worked at another club owned by Motion Pictures Inc. in San Francisco where they did the same type of performances and had never been bothered by police.

Said one 30-year-old woman clad in a black lace body suit: "I had absolutely no reason to believe it was illegal over here. If I would have known it was illegal for us, I wouldn't have come."

A San Francisco vice squad officer said last night, however,

that they had made "numerous arrests" at Motion Pictures Inc. club there.

Another dancer arrested at Smokey's said contracts with the club stated dancers are not allowed to ask customers for money, "just if they want any company."

The presence of the 20-officer raiding party did not faze one man who walked into the lobby of Smokey's about 6:30 p.m.

He looked around and asked a uniformed officer: "Is it open?"

Warrants issued in club raid

FRI JUN 6 1986

Police said yesterday that arrest warrants have been issued for the owners of a Jack London Square nightclub raided by police Wednesday.

Oakland vice officers arrested 12 people during the raid for engaging in prostitution, lewd acts and other offenses at Smokey's at 201 Broadway.

Police said the club's owners, Michael Weldon, 43, and Habib Carouba, 54, are charged in the warrants with pimping and pandering.

Police said last night they have not yet located the two men. A San Francisco attorney who represents Weldon and Carouba did not return phone calls yesterday.

Oakland police stage second raid at sex show

By Harry Harris
The Tribune

Oakland police did an encore performance at a Jack London Square sex show Wednesday night, arresting four performers and a customer for alleged prostitution and committing lewd acts in public, vice officers said yesterday.

Four other employees at Smokey's, 201 Broadway, were also arrested during the raid.

It was the second Wednesday in a row that police raided the club, said to be the only one of its kind in the Eastbay.

Last week eight performers and a half-dozen employees were arrested.

Vice Sgt. Mike Martin said although Smokey's managers had called police to determine what is legal, nothing had changed since last week's raid.

He said the first raid only shut Smokey's down temporarily. As long as they follow state laws and city ordinances, they could be open tonight, Martin said.

He said nude women were still performing exotic dances and simulated sexual acts on the stage of Smokey's "Live Action Arena."

It was the second Wednesday in a row that police raided the club, said to be the only one of its kind in the Eastbay.

He said an undercover officer allegedly saw "dancers" perform "lap dances" with customers and receive money for the dances.

Smokey's owners, mid-managers and performers arrested in last week's raid were arraigned in Oakland Municipal Court yesterday.

Among them were Michael Weldon, 43, of South San Francisco, owner of Moving Pictures Inc., of San Francisco, the parent company of Smokey's, and Habib Carouba, 54, of Moss Beach, who police said operates Smokey's. They were arrested on warrants charging pimping and pandering; conspiracy to

commit pimping and pandering; and conspiracy to commit lewd acts, within a few days of the raid.

They are due back in court next Thursday to enter pleas.

Seven dancers arrested last week were charged with prostitution, committing lewd acts in public and violating topless and bottomless ordinances. Another dancer arrested was not charged

because police did not see her commit any unlawful acts, Martin said.

Smokey's owners and attorneys said yesterday they would comment at a later time.

Nude-theater's operators fire salvo

TUE JUL 29 1986

By Will Jones
The Tribune

The operators of an Oakland theater that was raided by police because it featured nude dancing and alleged sex shows are challenging the legality of a city law that prohibits topless and bottomless performers.

Attorneys for Smokey's Adult Emporium, which is located on

Broadway near Jack London Square, have asked the Alameda County Superior Court to declare the city law unconstitutional.

During police raids at the theater in June, about 20 "dancers," employees and a customer were arrested on a variety of sex charges, including prostitution and lewd conduct in public,

pimping and pandering.

Jay-Allen Eisen, one of four attorneys hired by Smokey's parent company, Moving Pictures Co. Inc. of San Francisco, alleged Oakland's ordinance violates federal and state constitutions which guarantee freedom of expression.

In fact, Eisen said the ordinance exempts "theaters, con-

cert halls or similar establishments devoted to theatrical performances" from featuring nude dancing.

Smokey's, according to Eisen, has a license to operate a theater and "intends and desires to present non-obscene, live, nude dancing on the theater stage."

He said the state Supreme Court ruled in 1982 that a simi-

10 at city porn law

lar law in Santa Clara was unconstitutional.

But Oakland City Attorney Richard Winnie said yesterday Smokey's was issued a license for motion pictures, not live shows.

Although the suit filed by Smokey's attorneys cited the city law, Winnie said alleged violations of the ordinance was not

the primary reason police raided the theater.

Winnie said most of those arrested during the raids were charged with violating state prostitution laws.

"Of the 14 counts filed against those arrested, only four were for violations of the city ordi-

See LAW, Page A-10

nance," Winnie said. He said challenging the city law was just a "smoke screen" by Smokey's.

Winnie said even if Smokey's attorney should prevail in getting the city law ruled unconstitutional, those arrested could still be prosecuted on the state charges.

Presiding Judge Henry Ramsey Jr. refused to issue a temporary restraining order against the city Friday, but set a hearing on Smokey's petition for a permanent injunction for Aug. 15.

During the first raid June 4, police arrested nine "dancers" on suspicion of prostitution and committing lewd acts in public. Two male employees were arrested as accessories.

In a second visit to the theater at 201 Broadway on June 11, officers took into custody four dancers, a customer and four employees.

The employees arrested included Michael Weldon, owner of Moving Pictures, and Habib Carouba of Moss Beach, who operates Smokey's.

They were charged with felony counts of pimping and pandering, conspiracy to commit pimping and pandering and conspiracy to commit lewd acts.

Their cases are still pending in municipal court in Oakland.

In their suit, Smokey's attorneys said threats of further raids and arrests have "deterred and prevented" the operators from continuing nude dancing or other live shows at the theater.

Judge orders police to let naked showgirls dance on

SAT AUG 16 1986
The Times

The operators of an Oakland adult theater won a court victory yesterday that may allow them to resume live, nude dancing on stage.

Alameda County Superior Court Judge Henry Ramsey's ruling bars Oakland police from interfering with nude shows at Smokey's Adult Emporium at 201 Broadway in Jack London Square.

Ramsey, the courts presiding judge, said the city's ordinance governing topless and bottomless performers clearly exempts theaters.

Police raided Smokey's twice in June and arrested about 17 dancers, employees and customers on a variety of sex charges under the state penal code, including prostitution, lewd conduct in a public place, pimping and pandering.

The dancers and at least two employees were also charged with violation of the city's topless and bottomless ordinance.

Attorneys for Moving Pictures Company, Inc. of San Francisco, owners of Smokey's, asked the Superior Court last month to declare the city law unconstitutional.

But in his decision yesterday, Ramsey sidestepped the constitutional issue and ruled only that

the city law itself allows nude dancing in a theater.

Oakland City Attorney Richard Winnie conceded that the ruling was "appropriate" because the ordinance did, in fact, exempt theaters and that Smokey's was issued a theater license.

But Winnie said the city is in the process of revoking the license because of alleged violations of state laws.

Oakland considers revoking permit

TUE AUG 26 1986

By Kathy Zimmerman
The Tribune

The City of Oakland is considering revoking the operating permit of an adult theater that features live, nude dancing and alleged sex shows.

John Flores, assistant to the city manager, said yesterday he would decide later this week whether to revoke the permit of Smokey's Adult Emporium, located at 201 Broadway in Jack London Square. Flores held a revocation hearing last Friday in the city manager's office.

City Attorney Richard Winnie said the city was looking at "numerous violations of the penal codes, secondly that live sex acts (have been held) in the theater and the permit allows only motion pictures to be shown."

Oakland police raided Smokey's twice in June and arrested 17 dancers, employees and customers on a variety of charges, including prostitution, lewd conduct in a public place, pimping and pandering.

An Alameda Superior Court judge, however, later barred police from interfering with the nude shows, ruling that the city ordinance regulating topless and bottomless performers exempts theaters.

Jay-Allen Eisen, an attorney representing the owner of Smokey's, said yesterday the city was harassing his client by attempting to revoke the permit.

"The city can't twist its ordinances the way it wants to," Eisen said. "The court has ruled that nude shows are permissible.

The city is just harassing us at this point. I think it's a waste of taxpayer's money."

Flores denied the city was harassing the theater owner, Moving Pictures Company, Inc. of San Francisco.

"I think the city is doing everything that is proper and will treat him fairly," Flores said.

Eisen said the permit granted to Smokey's by the city is "simply unrestricted." He said in its ordinance the city "defines a theater as a place for entertainment and that is defined as a place showing pictures or live shows."

Eisen also said that court rulings have held that if a theater or adult bookstore has "held illegal activities your remedy is to seek an injunction to stop those

mit for Smokey's nude theater

activities, not to close it down.

"Just because someone has done something illegal doesn't strip them of their First Amendment rights in the future," Eisen said.

He said, however, the owner

was not conceding that any law had been violated. "Absolutely there's never been live sex acts at that theater . . . at best some police officers thought the performances were lewd," he said.

"The city conceded in court

that Smokey's is a theater . . . the city cannot stop live, nude shows at Smokey's." A man answering the phone at Smokey's yesterday said no live shows are being held at the moment, but "we will have them in the future."

SAT SEP 13 1986
City orders safety check at nude theater

Smokey's Adult Emporium, an Oakland adult theater raided twice this summer for lewd entertainment, was told this week it can't have nude dancers on its stage until the city inspects the stage for health, fire and safety code violations.

In a letter from Oakland City Manager Henry Gardner, Smokey's proprietors were informed that the Building Department had to inspect the stage before it could be used again for live acts.

"The permit issued (to Smokey's) is a theater permit," said City Attorney Richard Winnie.

"There are First Amendment rights here," Winnie said. "Once we give out a theater permit for all purposes, we can't say OK to this (kind of) entertainment and not that entertainment."

Smokey's, at 201 Broadway near Jack London Square, was raided twice in June by Oakland police, who arrested about 20

people on vice charges.

The charges, filed by the Alameda County district attorney's office, are pending.

Winnie said Smokey's permit application said only that the adult sex emporium would show movies on the stage. Nevertheless, live dancing doesn't violate city laws, only the allegedly lewd activities.

Police raid strip show, haul off nude dancers

By Harry Harris
The Tribune

SAT NOV 1 2 1988

Oakland police, wanting to stay on the good side of a 100-man audience during a sex-show raid, allowed the crowd to pick a strip-contest winner before hauling five female performers away to jail on charges of misdemeanor dirty dancing.

Thursday night's raid at Smokey's Adult Emporium in Jack London Square came during the monthly "camera night." Undercover investigators were able to film an entire "amateur strip show" before more than a dozen other officers burst in to stop it.

The five dancers, who started their 15-minute acts fully clothed but ended nude or in stockings and heels, each was arrested for one count of "engaging in obscene live conduct" and one count of indecent exposure, police said.

Eight Smokey's employees, ranging from the theater manager to the spotlight operator, were arrested for engaging in obscene conduct. No one from the audience was arrested.

Allowing the crowd to pick a winner from the naked, hand-

cuffed performers on stage "was an effort to keep the audience from becoming unruly, and keep them on our side," said one officer. "It was successful, I might add."

The raid was the first at Smokey's since June 1986, when police arrested dancers and employees for alleged prostitution and committing lewd acts in public.

At that time, the women performed nude exotic dances and sexual acts on a stage, before donning skimpy clothing and mingling with customers for "tips," police said. The women would perform "lap dances" by gyrating on the laps of customers, police said.

Following those raids, the two San Francisco owners of the club pleaded guilty to misdemeanor lewd conduct charges and were placed on three years probation.

Because the owners were on probation — and because of citizens' complaints of obscene acts at the theater and advertisements Smokey's took out in local newspapers — police have been

See NUDE, Back Page

Continued from Page A-1
monitoring recent shows at the club, said vice squad Sgt. Mike Martin.

Martin said undercover officers visited the club during the monthly "camera night" promotions and observed the young women performing strip tease acts while customers, who paid \$11 each for "filming rights" to the show, took pictures and made video recordings.

Martin said the women were billed as amateurs but actually were employees of Smokey's San Francisco parent company, with from three days to 15 months experience as performers. They ranged in age from 18 to 27, he said.

As the customers flashed strobe lights and threw money on the spotlighted stage, the women would undress and perform simulated sexual acts, Martin said.

On Thursday, the five performers, whose stage names were Precious, Cherise, Jessica, Stevie and Angel, each had completed her act and were in the process of being judged by the audience for the \$150 first-prize when police burst in and said, "Girls, the show's over."

The still-naked women were handcuffed, and, as officers were arresting the employees, police allowed the audience to finish their judging of the performances of the five women.

Each of the women was reintroduced, and police declared Angel the winner after she received the loudest applause.

Police said they decided to raid the performance after the Alameda County District Attorney's Office reviewed video tapes undercover officers had taken at previous shows.

Martin said the performances are illegal because they included simulated sexual acts that are obscene.

Alex Selvin, who represents the theater owners, contested that, saying, "Constitutionally, nude dancing is OK as long as it's just dancing."

Ultimately, authorities will have to convince a jury that the performances also were obscene, he said.

"One man's obscenity is another person's delight," Selvin said.

All 13 people arrested were released on citations to appear in Oakland Municipal Court at a later date.